

**REMARKS**

In the Office Action claims 21-29 have been rejected under 35 USC 103(a) over Itoh in view of Lo. With regard to claim 21, from which all of the pending claims are dependent, the Examiner states that Itoh shows all of the recited elements, except "sending data [from a scanner] to a destination port of the file computer, and polling the file location." For this missing element, the rejection points to the secondary reference, Lo, at column 3, lines 28-30 thereof.

Support for the "polling" element of claim 21 is given in the Specification as filed at page 5, lines 16-26, which reads as follows (emphases added):

A predetermined port 202 is assigned to accept the ftp files from the scanner. ...The predetermined port 202 of the destination computer 200 is associated by the daemon 204 with the root directory of the computer 200, which in turn can direct the incoming image data to a particular named folder or file 206. \* \* \* The predetermined "target **file**" 206 **of the destination computer** is **polled at all times to check for incoming TIFF images** such as from an external scanner, *regardless of whether any image data was expected at any time.*

In other words, the destination computer effectively continuously "checks" a target file therein, to see if any image data has "landed" there. A destination computer is thus effectively constantly "looking" in the file for incoming image data, and will thus react effectively immediately.

Lo, at the paragraph including the cited column 3, lines 28-30, reads as follows:

In ... the scan-to-file operation, ... an image file is transferred from the scanner server to a storage medium of the client computer. The client computer can then access this image file which is locally stored or stored on a medium which is locally mapped as a network drive by any type of image processing software or can simply store or further transfer the image file.

Whatever is being described here, it is certainly **not “polling” as that term is used in the pending claims**. Even if the client (or destination) computer can “access” the image file in its storage medium, there is no disclosure that the computer is polling or checking for it, nor any suggestion why the computer should “poll” *within itself* for the image file. Indeed, in the larger context of Lo, the image file enters the computer *via a scanner server* interposed between the scanner and the computer. As described in the Specification as filed at page 2, lines 3-19, in this prior-art “scan server” model, the computer remotely polls the *scan server* for image data. So, to the extent there is *any* polling in Lo, the polling is of the scan server, not of a *file within* the destination computer, as in the claimed invention. The basic teaching of Lo is thus inconsistent with the claimed invention.

Even though the primary reference, Itoh, discusses a system by which image data can move from a scanner to a computer without an intermediate server, combining its teachings with Lo does not render the claimed invention obvious. First, Lo does *not* in fact teach the idea of *polling a file* within a destination computer. Second, a person of ordinary skill in the art reading Lo would not think of combining Lo with Itoh because, although Itoh makes a point of *not needing* a scan server, the use of the scan server is clearly *essential* to Lo. The teachings can be combined only with impermissible hindsight.

For these reasons, claim 21, from which all the other pending claims are dependent, is not obvious in view of the references.

The claims are therefore in condition for allowance.

No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

Application No. 09/943,397

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is hereby requested to call the undersigned attorney at (585) 423-3811, Rochester, NY.

Respectfully submitted,

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RH/gm